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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,644	10/09/2001	Frank J. Colombo	H0002694 (4760)	6215

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EXAMINER	
PATTERSON, MARC A	

ART UNIT	PAPER NUMBER
1772	9

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No. 09/973,644	Applicant(s) COLOMBO, FRANK J.	
	Examiner Marc A Patterson	Art Unit 1772	

-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

REPEATED REJECTIONS

1. The 35 U.S.C. 112 second paragraph rejection of Claims 22 – 34 and 35 U.S.C. 102(b) rejection of Claims 22 – 23, 27 – 32 and 34 as being anticipated by Takagaki et al (U.S. Patent No. 5,352,043), 35 U.S.C. 103(a) rejection of Claims 24 – 25 as being unpatentable over Takagaki et al (U.S. Patent No. 5,352,043) in view of Rivett et al (U.S. Patent No. 5,755,081), 35 U.S.C. 103(a) rejection of Claim 26 as being unpatentable over Takagaki et al (U.S. Patent No. 5,352,043) in view of Deflander (U.S. Patent No. 4,562,936) and 35 U.S.C. 103(a) of Claim 30 as being unpatentable over Takagaki et al (U.S. Patent No. 5,352,043) in view of Ng et al (WO 95/15992), of record on page 2 of the previous Action, are repeated.

ANSWERS TO APPLICANT'S ARGUMENTS

2. Applicant's arguments regarding the 35 U.S.C. 112 second paragraph rejection of Claims 22 – 34 and 35 U.S.C. 102(b) rejection of Claims 22 – 23, 27 – 32 and 34 as being anticipated by Takagaki et al (U.S. Patent No. 5,352,043), 35 U.S.C. 103(a) rejection of Claims 24 – 25 as being unpatentable over Takagaki et al (U.S. Patent No. 5,352,043) in view of Rivett et al (U.S. Patent No. 5,755,081), 35 U.S.C. 103(a) rejection of Claim 26 as being unpatentable over Takagaki et al (U.S. Patent No. 5,352,043) in view of Deflander (U.S. Patent No. 4,562,936) and 35 U.S.C. 103(a) of Claim 30 as being unpatentable over Takagaki et al (U.S. Patent No. 5,352,043) in view of Ng et al (WO 95/15992), of record on page 2 of the previous Action, have

been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 1 of Paper No. 8, the phrase 'chemical barrier film' is more precise than the phrase 'barrier film,' because the latter could refer to a moisture barrier, oxygen barrier, etc. However, moisture barriers and oxygen barriers are chemical barriers, as moisture and oxygen clearly comprise chemicals.

Applicant also argues, on page 3, that Takagaki et al do not disclose an unoriented nylon; in every instance where Takagaki et al mention a nylon, Applicant argues, it is stretched, i.e. oriented. However, the heat seal layer disclosed by Takagaki et al comprises a nylon, and Takagaki et al do not teach that the nylon is stretched (column 5, lines 52 – 65). The disclosure in Takagaki et al of a stretched nylon is a layer other than the heat seal layer (column 6, lines 37 – 42).

Applicant also argues on page 3 that the stretched nylon layer of Takagaki et al is not heat sealable. However, as discussed above, Takagaki et al discloses a heat – sealable layer which is not a stretched nylon.

Applicant also argues, on page 4, that while Rivett et al may describe a solvent containing article within their structure, there is no suggestion that such would or could be contained in the structure of Takagaki et al. However, as stated on page 2 of the previous Action, Rivett teaches an absorbent fabric and solvent absorbed within the fabric (a baby wipe; column 3, lines 6 – 13) in the inner compartment of a container (column 3, lines 6 – 13) comprising nylon (polyamide; column 6, lines 26 – 39) for the purpose of protecting the fabric from contaminants (column 2, lines 3 – 27). The desirability of providing for a package comprising an

absorbent fabric and solvent absorbed within the fabric, within the inner compartment of Takagaki et al, which is a container, would therefore be obvious to one of ordinary skill in the art.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a package comprising an absorbent fabric and solvent absorbed within the fabric in Takagaki et al in order to protect the fabric from contaminants as taught by Rivett.

Applicant also argues on page 4 that Deflander is directed to a different type of container that Takagaki et al, and does not mention an unoriented nylon. However, as stated on page 2 of the previous Action, Deflander teaches motor oil (column 3, lines 36 – 49) in the inner compartment of a container (column 3, lines 36 – 49) comprising nylon (polyamide; column 6, lines 21 – 46) for the purpose of providing a liquid impermeable package (column 3, lines 36 – 49) The desirability of providing for a package comprising motor oil, within the inner compartment of Takagaki et al, which is a container, would therefore be obvious to one of ordinary skill in the art.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a package comprising motor oil in Takagaki et al in order to provide a liquid impermeable package as taught by Deflander.

Applicant also argues on page 5 that there is no suggestion in Ng et al that the unoriented nylon 6 or 66 of Ng et al could or should be substituted for the unoriented nylon of Takagaki et al. However, as stated on page 2 of the previous Action, Ng et al teach the use of nylon 6 in the making of sealable packages (page 6, lines 20 – 31) for the purpose of obtaining a package

having maximum bond strength of the seal (page 4, lines 27 – 30). The desirability of providing for nylon 6 in Takagaki et al, which is a sealable package, would therefore be obvious to one of ordinary skill in the art.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for nylon 6 in Takagaki et al in order to obtain a package having maximum bond strength as taught by Ng.

Applicant's arguments regarding the 35 U.S.C. 112 second paragraph rejections of the phrases 'such that when the middle layer comprises a polyolefin, the outer layer comprises a polyester' and 'a perimeter' have been considered and have been found to be persuasive. The rejections regarding those phrases are therefore withdrawn.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (703) 308-4251. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.
Marc Patterson
Art Unit 1772

HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

8/25/03